

REMARKS

Claims 1-14 are pending in this application. Based on the following remarks, Applicant respectfully requests that the Examiner reconsider the outstanding objection and rejections, and that they be withdrawn.

Objection to the Abstract

The Abstract was objected to in the Office Action for failing to be within the range of 50 to 150 words. Applicant has submitted herewith a revised Abstract that has fewer than 150 words. Applicant respectfully submits that the objection to the Abstract has been overcome and requests reconsideration and withdrawal of the objection.

Claim Rejections under 35 U.S.C. § 103(a)

In the Office Action, claims 1-14 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,333,257 to Merrill et al. (*Merrill*) in view of U.S. Patent No. 6,085,976 to *Sehr*.

Regarding independent claim 1, the Office Action states that an interpretation that ‘the plurality of identified seating choices as being equivalent to “associating a unique identifier with each of the plurality of artifacts.”’ The Office Action also states that *Merrill* lacks an explicit recitation of the “recording, as the visitor traverses the public space, identifiers with artifacts the visitor indicates as being of interest to the visitor.”

The Office Action goes on to state that ‘[i]t would have been obvious to a person of ordinary skill in the art [at] the time [of] the invention to combine the teachings of *Sehr* with the disclosure of *Merrill* because such combination would have provided means that “allows the ticket customer to see an approximation of that view of a particular event configuration” and because such combination would have provided “a portable ... card to store, process and communicate cardholder data ... and electronic payment means”’

The Examiner’s characterizations of *Merrill* fail to capture the totality of its deficiencies. At a minimum, *Merrill* not only doesn’t disclose the process of recording during a visit to a public space, its whole purpose is to provide information to someone in lieu of having the user visit the space.

Merrill teaches a system for automatically displaying selected views of an assembly facility from selected seating areas thereof. *Merrill* notes that “[c]urrent ticketing programs are

believe to function with no capability to let a customer see the view that he or she would experience from a seat being offered. In contrast, the system of the present invention allows the ticket customer to see an approximation of that view for a particular event configuration.” (see col. 1, lns. 28-33). Thus, the entire premise of *Merrill* is to provide a customer with information without ever having visited the public space.

While *Sehr* teaches a travel system and methods that encompass a plurality of service providers and multi-application passenger cards, there is no motivation from either *Sehr* or *Merrill* to combine their disclosures in a way that suggests the invention as recited in claim 1. In fact, Applicant asserts that the relevance that the motivation identified in the Office Action to combine *Merrill* and *Sehr* has to the language of the claim 1 is inapposite and that the combination of *Merrill* and *Sehr* is improper.

It appears that *Sehr* is used to allegedly teach the concept of “recording, as the visitor traverses the public space, identifiers associated with artifacts the visitor indicates as being of interest to the visitor.” However, *Merrill* and *Sehr* relate to different points in time. *Merrill* teaches a system that provides views from different proxy seats to a customer PRIOR to the customer purchasing tickets and attending an event. *Sehr* teaches a passenger card that a user takes with them on travel. The customer using the system of *Merrill* does not have any need for “recording, as the visitor traverses the public space, identifiers associated with artifacts the visitor indicates as being of interest to the visitor,” since the user of the *Merrill* system stops using that system before visiting the public space.

For at least the reasons set forth above, Applicant respectfully submits that *Merrill* in view of *Sehr*, taken alone or in proper combination, fails to teach or suggest the invention as recited in claim 1. Applicant respectfully submits that dependent claims 2-8 are patentable over the prior art of record for at least their dependency from independent claim 1 and for the features that they recite.

Furthermore, regarding claims 5 through 8, Applicant notes that that Office Action states that *Merrill* in view of *Sehr* lacks an explicit recitation of the elements and limitations of claims 5-8. The Office Action also states that Official Notice was taken that both the concepts and the advantages of the elements and limitations of claims 5-8 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would

have provided means that “allows the ticket customer to see an approximation of that view for a particular event configuration” and because such combination would have provided “a portable ... card to store, process and communicate cardholder data ... and electronic payment means ...” References to “concepts” and “advantages” do not specifically address the particular features recited in the claims. Therefore, the Examiner has improperly relied on the Applicant’s own teaching and combined it with speculation to fill an acknowledged gap in any combination of *Merrill* and *Sehr*. Applicant requests that the Examiner address the deficiencies in the Official Notice in the next communication from the Patent Office.

Independent claim 9 has been rejected using the same combination of references. Applicant respectfully disagrees with the rejection. Even though claims 1 and 9 are different, Applicant does not need to rely on the differences in the claims because the combination of *Merrill* and *Sehr* has the same deficiencies. Independent claim 9 is allowable for at least the same reasons as discussed above with respect to claim 1.

Regarding claims 11-14, the Office Action states that Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 11-14. This Official Notice is just as deficient as the Office Notice taken for dependent claims 5-8. Accordingly, Applicant requests that the Examiner address the deficiencies in this Official Notice as well.

Applicant respectfully submits that dependent claims 10-14 are patentable over the prior art of record for at least their dependency from independent claim 9 and for the features that they recite.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objection and rejections, that they be withdrawn, and that pending claims 1-14 be allowed. The Examiner is invited to telephone the undersigned representative if any further action is required to place this application in condition for allowance.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: 2/25/03

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Enclosure: Abstract